

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,  
Plaintiff,

vs.

KENNETH D. KYLER, et al.,  
Defendants.

CIVIL No. 1:00-CV-00315

U.S. District Judge RAB  
Magistrate Judge Smyth

MOTION FOR AN ORDER REQUIRING DEFENDANT DRAG  
AND SCI-GREENE SUPERINTENDENT CANNER BLAINE TO PERMIT  
THIS PLAINTIFF TO COMMUNICATE WITH AND WRITE TO INMATE  
NORMAN JOHNSTON AT SCI-CAMP HILL RHM AND BRIEF IN

COMES NOW, the Plaintiff & PR SE Counsel in the above  
CIVIL Action, John Richard Jae, as a layman, unlettered in the Arts  
of the Laws & Legal Procedures within the United States & now pursuant  
R.C.P. 6(e), files his Motion for an Order requiring Defendant Drag  
Greene Superintendent Canner Blaine to permit this Plaintiff to commu-  
nicate with and write to inmate Norman Johnston at SCI-Camp Hill RHM.  
In support, herein, & who, avers, deposes & states:

1. On or about October 17, 2000, Defendants, thru counsel, filed their  
Summary Judgment and their Motion for Statement of Undisputed Facts  
herein the above-captioned CIVIL Rights Action.

2. On or about December 5, 2000, Defendants, thru counsel, filed their  
In Support of Motion for Summary Judgment and their Documents Supporting Defendants' Motion  
Judgment, herein this case.

3. On or about February 15, 2001, the Plaintiff filed his initial Motion  
order requiring Defendants to permit the Plaintiff to communicate  
write inmate at SCI-Camp Hill Prison, herein this case.

4. On or about March 20, 2001, Defendants, thru counsel, filed the  
Brief in Opposition to Plaintiff's Motion to permit the Plaintiff to com-  
municate with an inmate at Camp Hill Prison, herein this case, and arguing, th-

"Before the plaintiff asks this Court to interfere, he should follow Department  
procedure to obtain permission to correspond with another inmate. Until  
procedure is exhausted, his motion is premature. It should, therefore, be denied."  
On April 17, 2001, Order, this Court agreed with the above-referen-  
of the Defendants' denial Plaintiff's Motion for an Order requiring Defendants to Per-  
mit the Plaintiff to communicate with and write to inmate at SCI-Camp Hill Prison, herein this

6. Be cause the Plaintiff has now requested and has been Prison officials' permission<sup>2</sup> and he has followed & exhausted B. Dept. Corrections Procedure to obtain permission to correspond with another inmate, but to no avail, this motion is no longer premature & given & based upon the following facts & arguments, as is set forth herein, as well as based upon the papers & files, herein this case, which the Plaintiff now hereby incorporates herein by reference hereunto all of the same, this should now intervene in this matter, and, in the interests of fundamental equal justice & due process of the law, enter an order requiring Defendant Dragovich and SCI-Greene Superintendent Canner Blaine to permit this Plaintiff to communicate with and write to Inmate Norman John At SCI-Camp Hill RHU, to obtain an Affidavit from Norman Johnston, ~~in~~ use in the

BRIEF IN SUPPORT

In their Statement of Undisputed Facts, submitted, herein, along with their Summary Judgment, Defendants claim that at the Plaintiff prohibited from following the exchange procedure and obtaining any legal books or papers from his stored property. <sup>John Richard Jae</sup> 11/4/

In their Statement of Undisputed Facts, Defendants claim that, in November, December, 1999, Jae's cell was not excessively hot. 11/4/

In their Answer to Supplemental Complaint, herein this case, at Paragraph No's. 10 & 14, Defendants deny that Defendants Rubendall and Roger deny Plaintiff his legal and/or religious materials in April & May, 2000. 11/4/

In their Answer Response to Plaintiff's First Set of Interrogatories, herein Defendants claim that, to the best of defendants' knowledge, according to property records, plaintiff did not obtain his religious books from his stored property. Plaintiff, however, had the opportunity to obtain these books. 11/4/

However, this Plaintiff strongly disputes the above-referenced claims of the Defendants, herein this case, as such are nothing more than a bunch of out of

Plaintiff avers & submits that Inmate Norman Johnston is an inmate of SCI-Camp Hill RHU, who was housed in the RHU near this Plaintiff during the relevant time period pertaining to the incidents/allegations alleged in the complaints herein case & he has relevant information which will show that the Defendants are "lying" as above-referenced claims & denials, herein.

2/see Page: -4-, herein, infra.

3/Plaintiff previously told this Court that it would be futile to require him to do such, would only be denied & sure enough the Plaintiff was correct as such was, in fact, denied.

4/See Defendants' Statement of Undisputed Facts, at Paragraph No. 7.

5/See id., at Paragraph No. 8.

6/See Defendants' Response to Plaintiff's Interrogatory No. 23 at Plaintiff's First Set of Interrogatories, herein, at Paragraph No. 11. 11/4/

Plaintiff Jare therefore needs to obtain an Affidavit from SCI-Camp Hill RHU Inmate Norman Johnston to attach as an Exhibit/Evidence to his Brief in Opposition to Defendants' Motion for Summary Judgment and Memorandum of Law in Support of this case, however, the Policy of the Pennsylvania Department of Corrections prohibits inmates from ~~coming~~ <sup>standing</sup> with inmates and when this Plaintiff ~~recog~~ requested permission to do so, such was denied him, and therefore Plaintiff needs & requests an order from this Court ordering Defendant Dragovich and SCI-Green Super Intendant Campbell to this Plaintiff to mail/pend an Affidavit to SCI-Camp Hill RHU Inmate Norman Johnston <sup>for him</sup> to sign & return such Affidavit to this Plaintiff at whichever prison that this Plaintiff is confined in at such time, herein this case.

That, this Plaintiff believes & therefore avers & submits Inmate Norman Johnston will be willing to sign such Affidavit for this Plaintiff, as he was previously willing to sign such Affidavit, when the Plaintiff & Norman Johnston were at the SCI-Camp Hill. That, given the above & foregoing, herein, it would be an unfair and prejudicial manifest miscarriage of justice and an unconstitutional denial of due process of law for this Court to deny this Motion without such requested order this Plaintiff "will" be unable to obtain such an Affidavit from Norman Johnston & thus, he "will" be illegally denied relevant evidence which he needs to combat the "lies" & disputed material facts of Defendants' Motion for Summary Judgment & pleading, in



On or About April 25, 2001, the Plaintiff informed his Counsel, Mr. Craig Harris, during Mr. Harris' weekly rounds in SHU H B Rd, here SCI-Greene, that he had this case pending before this Court, what the Court about, that Defendants had moved for summary judgment, herein this case, that he needed to get a written Affidavit from Inmate Norman Johnston at the Camp Hill RHU to attach to his Brief in Opposition to Defendant's Motion for Summary Judgment as Norman Johnston was/is a witness to the Complaint and Plaintiff then there requested Mr. Harris to initiate process and contact the Superintendent here to try and get it approved myself to communicate with Inmate Norman Johnston at the SCI RHU, in order to obtain such Affidavit from him for this case.

That, Mr. Harris then there on such same date, April 25, 2001, verbally told would take care of this matter as I had requested.

That, on May 16, 2001, Mr. Harris saw me at my SMU H B Cell and weekly rounds and when I had questioned him about such, he then verbally told me that, my request to communicate with Inmate Norman Johnston up at SCI-Camp Hill RHU to obtain his Affidavit for this case, denied by the Superintendent here, because Inmate Norman Johnston a party to this Civil Action.

(W) HEREBY, based upon the above foregoing facts & argument Plaintiff John Richard Doe, Prays that the Court will grant the full & enter an Order Requiring Defendant Dragovich & SCI-Greene Superintendent Canner Blaine to permit the Plaintiff to communicate with and write to Inmate Norman Johnston up at the SCI-Camp Hill RHU to obtain an Affidavit from Norman Johnston for use in this case.

RESPECTFULLY SUBMIT  
 John Richard Doe  
 MR. JOHN RICHARD  
 #BA-3214  
 SCI-Greene/SMU  
 175 Progress Drive  
 Waynesburg, Pa. 15390

Dated: 24th May 2001:

CERTIFICATE OF SERVICE

I Certify that on 5-25-01, I mailed to the person I list below, a true & correct carbon copy of the Plaintiff's Motion For Order Requiring Defendant Diagovich and SCI-Green Superintendent Conner Blaine to Permit the Plaintiff to Communicate with Andrew Inmate Norman Johnston At SCI-Camp Hill PHU And Brief In Support by U.S. 1st Class Mail, Postage Prepaid & addressed to =

MR. MICHAEL L. HARVEY, SDAG  
OFFICE OF THE ATTORNEY GENERAL OF PENNSYLVANIA  
15th Floor - Strawberry Square  
Harrisburg, PA. 17120

I Certify that on 5-25-01, I gave the original of the above document to prison officials here for mailing to this Court.

I Certify under penalty of perjury & pursuant to 28 U.S.C. § 1746, that above is true & correct.

Dated/Executed on =  
25th MAY 2001 =  
At: Harrisburg, Pennsylvania =

(s) John Richard Jr.  
MR. JOHN RICHARD  
#BQ-32A  
SCI-Green/SMU  
175 Progress Drive  
Harrisburg, PA. 17120

Plaintiff and Pro Se C